

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
JULY 11, 1973

An adjourned regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. Wednesday, July 11, 1973, in the City Hall Council Chambers.

ROLL CALL	Present: Councilmen - EHRHARDT, KATNICH, SCHAFFER (arrived 8:08 p.m.), and PINKERTON (Mayor Pro Tem)
	Absent: Councilmen - HUGHES (Mayor)
	Also present: City Manager Henry A. Graves, City Attorney Robert H. Mullen, Assistant City Manager Jerry Glenn, Planning Director James B. Schroeder and Public Works Director Shelley F. Jones.
INVOCATION	The invocation was given by Councilman Ehrhardt.
PLEDGE	Mayor Pro Tempore Pinkerton led the Pledge of Allegiance to the flag.
MINUTES	On motion of Councilman Katnich, Ehrhardt second, the minutes of June 20, 1973, were approved as written and mailed.

PUBLIC HEARINGS

INCREASE LOT COVERAGE AND PARKING R-LD DISTRICT	Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk; Mayor Pro Tempore Pinkerton called for the Public Hearing on the recommendation of the Planning Commission to amend the R-LD Residential-Low Density Multiple Family District by increasing the maximum permitted lot coverage from 40 per cent to 50 per cent when two off-street parking places are provided for duplex, triplex or fourplex lots.
ORD. NO. 1009 INTRODUCED	

Planning Director Schroeder introduced the matter and discussed the proposal.

Mr. James Gerard, c/o Aladdin Real Estate, 620 West Lodi Avenue spoke in favor of the proposed amendment. He stated that his firm had determined that in certain instances where multiple driveways were necessary to serve a duplex, triplex or fourplex in an R-LD zone, little or no street frontage was available for on-street parking. He felt the proposal would offer builders incentive to provide additional on-site parking which he felt was needed.

There was no one else in the audience wishing to be heard on the matter and the public portion of the hearing was closed.

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Councilman Schaffer moved introduction of Ordinance No. 1009 amending the R-LD, Residential-Low Density Multiple Family Residential District by increasing the maximum lot coverage from 40 per cent to 50 per cent when two off-street covered parking spaces per living unit are provided for duplex, triplex, or fourplex lots. The motion was seconded by Councilman Katnich and unanimously passed.

APPEAL-
RUGGIERI FOR
RYAN OUTDOOR
ADVERTISING
VARIANCES TO
SIGN
ORDINANCES

Notice having been published in accordance with law and affidavits of publications being on file in the office of the City Clerk, Mayor Pro Tempore Pinkerton called for the public hearing on the appeal of Mr. Francis R. Ruggieri of Ruggieri, Brunn and Lacey, Attorneys at Law on behalf of Ryan Outdoor Advertising Inc. for Variances to permit off-premise signs (i. e. outdoor advertising structures) to remain in place after May 31, 1973, at the following locations:

1. West side of U.S. 50-99, 300 feet north of East Lockeford Street in an area zoned M-1, Light Industrial District.
2. 250 feet north of East Lockeford Street between U.S. 50-99 Freeway and North Beckman Road in an area zoned M-2, Heavy Industrial District.
3. East of U.S. 50-99 Freeway, northeast of Turner Road on-ramp in an area zoned C-2, General Commercial District.
4. South side of East Lodi Avenue immediately west of U.S. 50-99 in an area zoned C-2, General Commercial District.
5. 1110 West Lodi Avenue adjacent to the Sunset Theater in an area zoned C-1, Neighborhood Commercial.
6. Southwest corner of East Kettleman Lane and South Cherokee Lane in an area zoned C-2, General Commercial.
7. West side of U.S. 50-99 Freeway, northwest of the Turner Road off-ramp in an area zoned FP, Floodplain District, and
8. Southwest corner of North Ham Lane and West Lockeford Street in an area zoned C-S, Commercial Shopping District.

Mr. Francis R. Ruggieri, c/o Ruggieri, Brunn and Lacey, 1115 Eye Street, Modesto, stated that his client was agreeable to consider the above requests all at the same time and the item (6) at the southwest corner of East Kettleman Lane was being withdrawn because it had to be modified so as to conform with the requirements. He said he would have more to say later.

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Mr. Harvey Berglund, President, Ryan Outdoor Advertising, Inc., 2050 West Fremont Street, Stockton, outlined his firm's participation in the preparation of the Lodi sign controls; stated that since 1965 the number of outdoor advertising panels in Lodi owned by his firm had been reduced from 55 to 42; and said that he believed the outdoor advertising structures at 1110 West Lodi Avenue and the southwest corner of North Ham Lane and West Lockeford Street should remain until those properties completely develop.

Mr. Ruggieri (again). He stated that his client's signs are all legal non-conforming uses; reviewed the City's Ordinance and state laws concerning outdoor advertising displays adjacent to freeways; said that the State of California had not designated U.S. 50-99 through Lodi as a landscaped freeway and stated that the removal of the Ryan signs would cost the firm in excess of \$28,000.

The City Attorney defined the term "legal non-conforming use."

There was no one else in the audience wishing to be heard on this matter and the public portion of the hearing was closed.

The City Attorney reviewed the City's legal right to control signs and said that the abatement period from May 1965 to May 1975 was reasonable.

Mayor Pro Tempore Pinkerton stated that Ryan Outdoors Advertising, Inc.'s off-premise signs constituted a business and should not be considered the same as an on-premise sign. He felt the freeway oriented signs advertised Lodi business and thereby brought travelers into the city.

Councilman Katnich stated that off-premise signs and on-premise signs should be handled in the same manner.

After further discussion it was moved by Councilman Ehrhardt, Katnich second, that the above 7 remaining Variance appeals by Mr. Francis R. Ruggieri for Ryan Outdoor Advertising, Inc. be granted. By voice vote, the motion failed to pass by the following:

Ayes: Councilmen - EHRHARDT and
PINKERTON

Noes: Councilmen - KATNICH and SCHAFFER

Absent: Councilmen - HUGHES

The City Attorney stated that the motion failed because it was not approved by a majority of the Councilmen voting.

Mr. Ruggieri requested that the City Council reconsider its action at a later date when a full City Council would be in attendance.

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On motion of Councilman Katnich, Schaffer second, the above matters were set for reconsideration at public hearing on August 15, 1973.

PLANNING COMMISSION

REZONE TO
R-MD PARCEL
ON WEST SIDE
S. CHURCH ST.

The City Manager gave the following report on the Planning Commission meeting of July 9, 1973:

The Planning Commission recommended the approval of the request of H and M Builders for a change in zoning from the R-1, Single-Family Residential District to the R-MD, Medium Density Multiple Family Residential District for a 3.2 acre parcel on the west side of South Church Street approximately 1600 feet south of Kettleman Lane. On motion of Councilman Katnich, Schaffer second, the matter was set for public hearing on August 1, 1973.

ACTIONS OF
INTEREST

The Planning Commission also took the following actions of interest to the City Council.

1. Accepted the Final Environmental Impact Report for the Cherry Tree Subdivision, a 3.2-acre tract located on the west side of South Church Street, approximately 1600 feet south of Kettleman Lane. In accepting the E.I.R., the Commission determined that the project would have no significant environmental impact.
2. Approved the Tentative Map for the Cherry Tree Subdivision, a 3.2-acre tract located on the west side of South Church Street approximately 1600 feet south of Kettleman Lane with certain conditions.
3. Continued until August 13, 1973, the request of Dr. Ivan Hayes for a Variance to reduce the required number of off-street parking spaces from 18 to 12 to permit an addition to an office building at 820 South Fairmont Avenue in an area zoned C-P, Commercial Professional District.

This action was taken in order to allow Dr. Hayes an opportunity to explore the possibility of entering into a formal agreement with the Fairmont Seventh-Day Adventist Church allowing him to use a portion of the church parking lot immediately north of his office building.
4. Approved the request of the Central Seventh-Day Adventist Church for a Use Permit to construct 37 units of elderly housing on the easterly 2.8 acres of Parcel "C", English Oaks Manor - a portion of Planned Development District No. 4 with certain conditions.
5. Approved the request of the Central Seventh-Day Adventist Church for a Use Permit to construct a church at the southeast corner of South Ham Lane and Century Boulevard in English Oaks Manor - a portion of Planned Development District No. 4 with certain conditions.

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COMMUNICATIONS

RESOLUTION OF WELCOME S. HAYAKAWA

On motion of Councilman Katnich, Schaffer second, the City Council instructed the City Manager to prepare a Resolution of Welcome and Congratulation for Boy Scout Shizuku Hayakawa from Kofu, Japan, Lodi's Sister City. Mr. Hayakawa will be attending the 8th National Boy Scout Jamboree in Faragut, Idaho, beginning August 1, 1973.

GUTHMILLER ADDITION
RES. NO. 3795

The City Council was in receipt of Resolution 129 of the Local Agency Formation Commission of San Joaquin County approving the annexation of the Guthmiller Addition to the City of Lodi and authorized the City to proceed without notice, hearing or election as provided in Section 54797.1 of the Government Code.

The Planning Director pointed out that this annexation included a two-acre parcel at the southeast corner of East Kettleman Lane and South Stockton Street as well as the total right-of-way of Kettleman Lane (State Route 12) between the west line of the Southern Pacific Company right-of-way and a point approximately 170 feet east of South Washington Street.

Upon motion of Councilman Schaffer, Ehrhardt second, the Council unanimously adopted Resolution No. 3795 annexing the Guthmiller Addition to the City of Lodi.

AB 2100

Councilman Ehrhardt asked the City Attorney to review AB 2100 concerning the control of dog and cat breeding in the State of California.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$738,691.83 were approved on motion of Councilman Ehrhardt, Schaffer second.

AWARD - TRAFFIC SIGNALS ELM AND HAM

The City Manager presented bids received for the Traffic Signals at Ham Lane and Elm Street as follows:

RES. NO. 3796	Collins Electric	\$33,333
	Smith Electric	\$35,010
	Ferrero Electric	\$35,690
	Steiny and Company Inc.	\$38,097
	M & M Electric	\$38,929

The City Manager recommended the award be made to the low bidder for the amount of the bid. On motion of Councilman Ehrhardt, Schaffer second, the Council unanimously adopted Resolution No. 3796 awarding the contract for the traffic signals at Ham Lane and Elm Street to Collins Electric in the amount of \$33,333.

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WATER AND
SEWER
REIMBURSEMENT
POLICIES

The City Manager distributed copies of the proposed Water and Sewer Reimbursement Policies and asked the Council to review them for future discussion. On motion of Councilman Ehrhardt, Schaffer second, discussion of the proposed Water and Sewer Reimbursement Policies was set for the Regular Meeting of July 18, 1973.

TRANSITION
E.E.A.
EMPLOYEES

RES. NO. 3797

On motion of Councilman Schaffer, Katnich second, the Council adopted Resolution No. 3797 authorizing the transition of Emergency Employment Act participants into the regular Classified Service of the City as required by the City of Lodi as sub-agent of the program agent, San Joaquin County under the Federal Emergency Employment Act of 1971 (P. L. 92-54).

WHITE SLOUGH
ADDITION

YTO AND
ASSOC.

Upon motion of Councilman Schaffer, Ehrhardt second, the Council authorized the City Manager to enter into an agreement with YTO and Associates for the preparation of the necessary reports, studies, plans and specifications for the expansion of the White Slough Water Quality Control Plant as required by the California Water Quality Control Board.

WAIVER
CANNERY
WASTE
CHARGE-1973

Upon motion of Councilman Schaffer, Katnich second, the Council waived the 50 cent per cubic yard cannery waste charge at the Harney Lane Sanitary Landfill for the 1973 canning season.

MEMORANDA OF
UNDERSTANDING

The City Manager reported the City had concluded its meet and confer sessions with the various bargaining units representing the employees of the City of Lodi and that the Library Board of Trustees had accepted the provisions for the Library employees.

The agreements called for implementation of a salary survey plus 3% increased salary adjustment effective July 1, 1973, plus another 2% adjustment on January 1, 1974, for employees represented by San Joaquin County Employees' Association and for those represented by International Brotherhood of Electrical Workers a salary increase to maintain a position of comparability to like positions employed by Pacific Gas and Electric Company.

In addition, the City granted an additional holiday - the employee's birthday; a modification of the vacation plan to provide an additional weeks vacation for those employees with six through ten years of service, and the City will continue the same medical insurance benefits to all employees and pay for additional employee and dependent premiums.

The City also has agreed to make joint studies regarding overtime authorization, compensation, relationship of overtime to working hours and control.

A salary supplement will be provided Police Officers possessing Intermediate and Advanced Post certificates.

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Upon motion of Councilman Schaffer, Ehrhardt second, the Council accepted and ratified effective July 1, 1973, the following Memoranda of Understanding.

1. International Brotherhood of Electrical Workers
2. San Joaquin County Employees Association - Police Unit
3. San Joaquin County Employees Association - Fire Unit
4. San Joaquin County Employees Association - General Services Unit
5. San Joaquin County Employees Association - Library

NON-CLASSIFIED
EMPLOYEES

Upon motion of Councilman Schaffer, Katnich second, the Council agreed that salary increases or other benefits granted this year to the non-classified employees would be retroactive to July 1, 1973.

FOOTBALL
STADIUM
AGREEMENT

The City Attorney stated that the Recreation Director had recommended that the City grant the use of the City's football stadium during a limited period in August to the Greater Lodi Crusade for Christ.

Upon motion of Councilman Schaffer, Ehrhardt second, the Council authorized the City Manager to execute a contract for the use of the City football stadium from August 3 to August 14, 1973, with the Greater Lodi Crusade for Christ.

RECESS

Mayor Pro Tempore Pinkerton declared a recess between 10:15 p.m. and 10:25 p.m.

FOLSOM
SOUTH CANAL

Councilman Schaffer stated that the North San Joaquin Water Conservation District, the Stockton East Water District and the Central San Joaquin Water Conservation District were jointly urging the Federal and State Governments to accelerate the funding and construction of the Folsom South Canal.

Upon motion of Councilman Katnich, Ehrhardt second, the Council directed the City Manager to prepare a letter strongly supporting the efforts of the above named agencies and to submit said letter to the various individuals and agencies concerned with the Folsom South Canal.

1973-74
BUDGET

The Council continued its review of the City Manager's proposed Operating Budget for 1973-74. The following additions or corrections to the City Manager's proposal were tentatively agreed upon: (1) deletion of \$500 to the Junior Chamber of Commerce, (2) addition of \$50,000 to the Contingency Fund, (3) deletion of \$77,380 from the Landfill operation which were to

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be accompanied by an identical reduction in revenue and (4) an addition of \$225 to the Chamber of Commerce's Host Fund.

The change at the Landfill was recommended by the Finance Director for bookkeeping purposes.

The Council reviewed the Budget proposal through the City Attorney Department on page 7. The review will continue at the regular meeting of July 18, 1973.

ADJOURNMENT

At 11:45 p.m. on motion of Councilman Katnich, Ehrhardt second, the Council adjourned the session.


Attest: JAMES B. SCHROEDER
Deputy City Clerk